

ANALYSIS ON CHANGES TO 17 GAR CHAPTER 7

§7102. Definitions - Added:

(j) Similarly Employed means employed in an occupation which requires the same or similar level of education, training and experience as the occupation for which certification is requested. All workers in identical occupational categories shall be considered similarly employed in spite of education, training and experience levels for a specific job opportunity.

(k) For the purposes of these regulations Performance & Payment Bond shall have the same meaning as Wage Bond and is defined as a form of surety which guarantees payment of wages for workers associated with a project.

(l) ALPCD shall mean the Alien Labor Processing & Certification Division of the Guam Department of Labor

(m) Direct Employee shall mean employment in which an employer has hiring and firing authority; has direct day to day supervision of the worker; pays the worker's wages; and withholds and transmits local taxes on behalf of the worker.

§7103 – Added:

The Director of Labor, in consultation with the Governor of Guam may temporarily institute policies to deal with emergent situations which include, but are not limited to, natural disasters, sudden changes in immigration regulations and numerical limitations of visas. These temporary policies may not conflict with the basic process of determining availability of U.S. workers and determining prevailing wages as required by federal regulations.

Note: This language was inserted to allow certain leeway for the Director to adjust the program to deal with unusual situations which may occur that would impact service delivery or integrity of the program. Such situations have been quickly closing H-2B caps, unexpected changes in immigration law and economic downturns.

§ 7103(c)(1) - Added:

Temporary Labor Certifications issued for importation purposes may not be used for the extension of existing workers and likewise, temporary labor certifications granted for extension purposes may not be used for importing new workers.

Note: Temporary labor certifications are granted with consideration given to documents submitted by the employer and fact finding done by the caseworker. The employer's intention to extend existing workers as opposed to importing new workers weighs heavily on the decision to be made on the application. By adding this regulation, the employer is prohibited from using a labor certification in a manner for which it was not intended and DOL may issue penalties for non-compliance.

§ 7104(a)(1)(B) Added:

The employer must pay the Prevailing Wage Rate listed on the Temporary Labor Certification certified by the Governor of Guam and such rate shall remain in effect until the expiration of the employer's temporary labor certification for all Temporary workers imported under such certification, and all similarly employed U.S. workers.

Note: Section was put in to add clarity to the payment of the prevailing wage rate. It is important to stress that the employer MUST pay the H-2B worker what is on the labor certification...no more and no less. Raises for H-2B workers are only possible if done in connection with a labor certification.

§ 7104 (b) Amended:

In order for an Application for Certification to be entertained by the Governor of Guam, it must first be properly submitted to the Department of Labor. The Application for Certification must be submitted to the Alien Labor Processing & Certification Division at least 40 days but **not more than 180 calendar days** before the worker's services are needed. The Application shall, at a minimum, meet the following requirements:

Note: The 180 day early submission restriction was developed to be in line with USCIS regulations, but was subsequently changed by the new DHS regulations that became effective in January 2009. The new federal rule of 120 days before the employment start date, will supersede this rule until we are able to do amendments to the GAR again.

§ 7104 (B)(3)(F)(i) Added:

An employer's failure to comply with any of these assurances may be construed as a violation of the regulations and may result in civil penalties, revocation of the employer's labor certification and/or referral for prosecution or other administrative action.

Note: This section was put in to make the assurances enforceable. It has been difficult in the past to hold employers accountable to meeting the assurances. The Department may now issue civil penalties if the employer fails to meet the assurances.

§ 7104 (b)(4) Added:

Additional Documentation to be Attached. In addition to the information and assurances required above, the employer shall attach the following documents to the Application for Certification and such attachments shall be considered part of the certification:

Note: The addition of this verbiage confirms documents submitted in support of the labor certification are in fact part of the certification and must be true and correct.

§ 7104 (b)(4)(A) Amended:

Written documentation of all efforts to recruit U.S.-resident workers for the Employment Position (including clippings of newspaper advertisements and other public notices of the Job Opportunity) and details of the results of such efforts, including the name(s) and **date of birth** of any U.S.-resident worker(s) hired or rejected;

Note: To protect the privacy of respondents to the employer's prior advertisements, we will not require a social security number be collected for recruitment efforts. DOL may collect that data at a later time from the applicant if necessary.

§ 7104 (b)(4)(E) Amended:

A notarized Assurance in a form approved by the Department of Labor which includes a statement that the employer will pay no less than the Prevailing Wage Rate (as established at the time the Application is submitted) to all U.S. and foreign workers employed by the employer;

Note: The Statement of Guarantee section was deleted and combined with the assurance into one document to lessen the paperwork burden on the employer while maintaining the standard.

§ 7104 (b)(6) Added:

Waiver of Documentation and Requiring Supplemental Documentation. The Director of Labor shall have the discretion to waive the submission of any documents required by (b)(4) and (b)(5) of this section, provided that the employer has adequately justified, in writing, the need for such waiver. Additionally, if deemed necessary, the Director of Labor shall have the discretion to require supplemental documentation not listed in this section in order to meet the spirit of the regulations or to assist in any fact finding being conducted in connection with the labor certification application.

Note: The section was put in as DOL has had to adjust to situations with the H-2B cap in recent years. The inclusion of this language gives the Director better grounds to make adjustments to the program when unexpected changes in the community and the business climate occur.

§ 7104 (b)(7) Added:

Determining Allowable Number of Workers. In considering an application for Temporary Labor Certification, the Department of Labor may use the following methods to determine the number of workers allowed for a particular labor certification:

(A) For Construction industry applications: Net Project Amount (as indicated on the Project Summary Sheet) divided by \$55,000 = Number of workers allowed.

(B) For non-construction employers or jobs which have no formal project contract, the department will consider the financial standing of the employer and written justification as to the employer's need for the worker. Factors to include project growth and business necessity can be weighed and considered when determining the number of workers to be allowed and whether to recommend approval or denial.

(C) In the event that the number of workers requested on a labor certification exceeds the number of workers allowed by applying the methods in sections (7)(A) and (7)(B), the employer may submit written

justification, based on business necessity, to support their request. The Department of Labor may consider such justification when deciding whether the number of workers being requested is appropriate.

Note: Again this is house keeping. We have always used the construction formula. This section institutes the formula. A new development is section C which allows us to set aside the formula for special situations which can be justified based on business necessity. Example: Employer has to finish a 1 year job in six months so needs to double workforce to complete on time.

§ 7104(c)(1)(A) Added:

To facilitate this requirement, ALPCD will survey local airlines to determine an average rate which may be used as a Standard Bond Rate. Such rate must be approved by the Director of Labor and will be valid for a period of no more than two (2) calendar years. The Director, at his or her discretion, may increase the established standard rate up to 25 percent to adjust for unforeseen increases in airfares. For applications where the point of origin is not listed on the Standard Bond rate listing, the employer must post a bond no less than the one way, high season rate for the airline or combination of airlines in which the employer intends to use to bring the worker to Guam. It shall be the responsibility of the employer to provide a price quotation from the airline or a travel agent to verify the rate. ALPCD may require additional quotations or verify the rates independently at their discretion.

Note: Previously, there was no mechanism in the rules by which to determine Repatriation Bond Rates. This section is the same procedure that has always been in effect, but just sets it down in the rule and gives clarity to situations where no standard rate has been set. It also gives discretion to the Director to slightly raise rates to adjust for unexpected changes airfares.

§ 7104(c)(2) Amended:

Wage Bond or Payment Bond. A wage bond in the amount of four percent of the total gross contract amount of the project or projects for which certification is requested or a payment bond shall be given to the Department of Labor for every project for which an employer seeks to employ a Temporary Alien Worker in Guam. This bond shall be given to the Department of Labor upon the Application for Certification of the first Temporary Alien Worker requested for the employer on a given project, and evidence of the bond shall be included with the Application for Certification of each subsequent Temporary Worker requested by the employer for the same project. A request for approval of authorization for the Temporary Worker to work on an additional project shall be accompanied by an additional wage bond, endorsement/amendment of an existing wage bond or a payment bond.

(A) For applications in which there is no project contract or the employer is not in the construction industry, the wage bond amount must be at least 4% of 3 times the annual wages, based on the established prevailing wage rate, for all workers being requested on the application.

Note: Previously, no mechanism was in the rule to determine non-construction wage bonding. This has been done now. Additionally, with the help of a subcommittee formed to study the bonding rules, we determined that the bonding amounts were low and did not afford sufficient protection using the formula of 4% the annual salary per worker. The new formula gives better wage protection.

§ 7104(c)(3) Amended -

Bonding Devices Acceptable. The financial devices acceptable as a repatriation bond and wage bond or payment bonds are limited to:

(A) A Bond issued by a carrier licensed, by the Insurance Commissioner, to do business in Guam and naming the Department of Labor as the beneficiary. In cases where a Payment Bond has been issued, the payment bond shall be acceptable, without specifically naming the Department of Labor as a beneficiary, provided that the verbiage in the bond does not prevent the Department of Labor from claiming against the bond on behalf of all workers on the project. The wage bond submitted must be valid until the end of the project; or until all workers are repatriated to their point of hire; or until released by the Department of Labor. ***Repatriation bonds must be valid for a period of at least 2 calendar years from the date of issuance.***

Note: This section requires Repatriation Bonds to be valid for a period of 2 years.

§ 7104(c)(3)(B) Added:

A Time Certificate of Deposit (TCD) from a banking institution licensed to do business on Guam. The TCD document must indicate the employer's name "in favor of Guam Department of Labor". The Department of Labor may withdraw funds from accounts established in this way without the consent of the employer, in order to satisfy unpaid wages or to effectuate the repatriation of workers. Banking institutions are prohibited from releasing funds in TCD accounts set up as bonding without first obtaining a Release of Bond from the Guam Department of Labor.

§ 7104(c)(3)(C) Added:

A Letter of Credit from a Banking Institution licensed to do business on Guam. The Letter of Credit must designate the Guam Department of Labor as the beneficiary. The Department of Labor may withdraw funds from accounts established in this way without the consent of the employer, in order to satisfy unpaid wages or to effectuate the repatriation of workers.

§ 7104(c)(3)(D) Added:

A Cashier's Check or Postal Money Order made payable to the Treasurer of Guam.

Note: The language with regards to wage bonding has been cleaned up and we've repealed the section that required wage bonds to be only insurance bonds. Other bonding options are now available, however, due to some recent issues with TCDs, we will still keep with the moratorium on TCDs as bonding until we've worked out sufficient details that will ensure that TCD money may not be taken by banks who may wish to offset other debts to the bank from TCD accounts submitted to DOL as bonding.

§ 7104(c)(4) Added:

Release of Bonds. The repatriation bond required shall be released no sooner than sixty (60) days after the employer provides the Department of Labor with a documentation that the Temporary Alien Worker has departed from Guam; such certification shall include the name of the Temporary Worker, the name of the carrier, the date of departure and the ticket number. The Department may consult with federal officials to verify departure. Wage bonds or payment bonds shall be released no sooner than sixty days (60) after the employer provides evidence of the completion of a project, as shown by a notice of completion and/or an occupancy permit filed with the Guam Department of Labor, and evidence that all Temporary Alien Workers certified for the project either have been repatriated or are certified to work on another project in Guam which has not been completed. Bonds may also be released, without any waiting period, to effectuate amendment or replacement of existing bonds with other acceptable bonds. To obtain the release of bonds, the employer shall submit a request to the Director of Labor in writing, and shall attach such documentary information as is deemed appropriate to expedite the release. The Director of Labor may waive the Sixty (60) day waiting period at his or her discretion.

Note: A 60 day waiting period to release bonding helps prevent employer's from requesting for the release of bonding before workers have had time to file complaints, or before such time as the department has had an opportunity to investigate or audit employers properly. The section does contain certain waivers for special circumstances.

§ 7104(c)(5) Added:

Procedures to Claim Funding from a Bond.

(a) Notice to Insurance Carrier. The Wage & Hour Division, upon receiving a complaint against an employer who has posted a Wage Bond or Payment Bond, will notify the Insurance Carrier of potential wage claim. Notification may be made by letter, fax or email.

(b) In cases where wage bonds are submitted in the form of an Insurance Bond, once a wage assessment is completed by the Wage & Hour Division and the employer has indicated that they cannot or will not satisfy the back wages, the Wage & Hour Division will determine if a claim is suitable and if so, notify the Insurance Carrier of their intention to file a claim against the bond.

(c) In cases where Wage Bonds are submitted in the form of Time Certificates of Deposit (TCD) or Letter of Credit, once a wage assessment is completed by the Wage & Hour Division and the employer has indicated that they cannot or will not satisfy the back wages, the Wage & Hour Division will determine the need to draw the funds and if so, notify the Banking Institution of their intention to file a claim against the bond and withdraw monies collateralized by the TCD or Letter of Credit.

(d) In cases where Wage Bonds are submitted in the form of a Cashier's Check or Postal Money Order, the Wage & Hour Division will request an expedited Direct Payment from the Department of Administration for Wage Bond monies held in trust for the employer. The Department of Administration will expedite the Direct Payment request and issue a payment to the Department of Labor no later than 10 days from the date the request is transmitted to the Department of Administration.

(e) In cases where Repatriation Bonds are submitted in the form of an insurance bond, once a situation is identified where the employer is no longer contactable or has indicated that they cannot or will not repatriate the workers to their point of hire, ALPCD will determine the need to draw the funds for the repatriation of workers covered under the such bond and will notify the Insurance Carrier of their intention to file a claim on the bond.

(f) In cases where Repatriation Bonds are submitted in the form of Time Certificates of Deposit (TCD) or Letter of Credit, once a situation is identified where the employer is no longer contactable or has indicated that they cannot or will not repatriate the workers to their point of hire, ALPCD will determine the need to draw the funds and if so, notify the Banking Institution of their intention to file a claim against the bond and withdraw monies collateralized by the TCD or Letter of Credit.

(g) In cases where Repatriation Bonds are submitted in the form of a Cashier's Check or Postal Money Order, ALPCD will request an expedited Direct Payment from the Department of Administration for Repatriation Bond monies held in trust for the employer. The Department of Administration will expedite the Direct Payment request and issue a payment to the airline identified by ALPCD, no later than 10 days from the date the request is transmitted to the Department of Administration.

(h) In cases where Wage Bonds and Repatriation Bonds are submitted in the form of a Cashier's Check or Postal Money Order and have been combined into one instrument, the Department of Administration and the Department of Labor will be guided by the bonding amounts specified in synopsis prepared during the adjudication of the temporary labor certification for that particular employer.

Note: Sections set procedures for filing claims on bonding. These sections also set notification requirements to bonding entities and in the case of TCD's contain prohibitions on releasing funds without proper release documents from GDOL.

§ 7104(d)(4) Added:

Applications for Certification which contain an employment scenario in which the Temporary Alien Worker will not be a direct employee of the petitioner will not be recommended for approval to the Governor.

Note: Prohibition from temp agency or 3rd party employer scenarios ...commonly known as body broking. Indirect employment creates situations which are ripe for fraud and abuse. They also stifle and complicate enforcement efforts by GDOL and/or other agencies tasked with monitoring the foreign workers.

§7105 (b)(2)(C)(iv) – Added:

Documentation that demonstrates compliance with Guam Department of Public Health & Social Services Health Screening requirements for the worker(s) seeking registration.

Note: Sets health screening as a part of the registration requirement. Once Department of Public Health & Social Services sets a standard for health screening, ALPCD will require proof of such screening as a part of the registration/ID process.

§7105 (b)(2)(E) Added:

An employer's failure to comply with any of the assurances given during registration may be construed as a violation of the regulations and may result in civil penalties, revocation of the worker's registration and/or referral for prosecution or other administrative action.

Note: This section has put teeth into the employer's assurances. Failure to hold to the assurance may be penalized with civil penalties. Employers will be asked at various times to make good on their assurances and failure to hold to the assurances may result in civil penalties.

§7105 (b)(3) Amended:

Registration Fee. A non-refundable fee, pursuant to 22 GCA § 7119, shall be paid to the Department of Labor upon the registration of any Temporary Alien Worker. Payment must be made in the form of a Cashier's Check or Postal Money Order made payable to the Treasurer of Guam.

Note: Sets the procedure for payments to be made by check to Treasurer of Guam and removes old verbiage that has since been superseded by legislation.

§7105(c) Amended:

Testing. Upon submission of an Application for Registration, the Department of Labor may test or cause to be tested the skills and qualification of a Temporary Alien Worker for the Job Opportunity and Employment Position for which the Temporary Worker is certified. If the Temporary Alien Worker is found not to have the requisite skills or qualifications for the Employment Position, such Temporary Worker shall not be registered, but shall be referred to the U.S. Department of Homeland Security for disposition. In addition, if a Temporary Alien Worker is found not to have the requisite skills or qualifications, the Department of Labor may cause all such Temporary Workers certified to work for the employer to be similarly tested. ***Any costs associated with the testing of workers will be paid by the petitioning employer.***

Note: Sets the cost of testing on the employer. It is incumbent on the employer to ensure that workers being recruited are in fact skilled workers to avoid the cost of testing workers.

§7105(d) Amended:

Registration Granted. Upon successful compliance with the requirements of A., B. and C., above, the Department of Labor will approve the Application for Registration and will authorize the Temporary Alien Worker to work in Guam for a period of up to one year but in no case shall the period exceed the period in which the workers has been granted by the U.S. Citizenship and Immigration Service on their form I-797. Evidence of such registration shall consist of a current and valid identification badge issued by the Department of Labor to the Temporary Worker, and such identification badge shall constitute a work permit and a work permit identification card. Registration shall be considered immediately void in cases where the worker has violated the terms of the labor certification, separated from employment or has been deported by the U.S. Department of Homeland Security.

Note: Clarifies setting expiration dates on ID cards and voiding of cards after separation or violation of terms of employment.

§7105(f) Added:

Temporary ID Cards. The Department of Labor may, in lieu of Identification badges, issue Temporary ID cards in cases where issuance of regular identification badges cannot be done in a timely manner. These situations include instances of severe application backlog, badge supply shortages, natural disasters or equipment failure.

(1) Such temporary ID cards will be on a form approved by the Director of Labor and shall bear the signature of the Administrator of the Alien Labor Processing & Certification Division or the Director of Labor.

(2) Temporary ID cards may only be considered valid if accompanied by the worker's valid passport or a legible clear photo copy of the visa page and I-94 issued by U.S. Customs and Border protection.

Note: This section put Temporary ID cards into the rule. We have had to do this in many cases when waiting on approvals from immigration on extensions or in cases of severe backlog. .

§7106. Amended:

Renewal of Certification and Registration. In order for an employer to retain the labor services of a Temporary Alien Worker in an Employment Position beyond the period for which the Temporary Worker is authorized to stay in the United States, the employer must meet all of the requirements of certification and registration of the Job Opportunity and the Temporary Worker as if they were for the initial employment of the Temporary Worker in Guam.

(a) Once an I-129 for extension has been properly filed with the U.S. Citizenship and Immigration Service, the Temporary Alien Worker may be allowed to continue working by requesting for and obtaining a Temporary ID from the Department of Labor.

(b) When renewing Registration, the employer need not submit new copies of the passport and Employment Contract, provided that there have been no changes to these documents.

Note: Cleared up rules on extension registrations.

§7107 Amended:.

Exit Clearance. At least 15 days prior to the departure of a Temporary Alien Worker from Guam, the Temporary Worker's employer shall apply with the Department of Labor for exit clearance for the Temporary Worker, and such application shall be approved by the Director of Labor, or the Director's authorized representative. Before issuing an Exit Clearance, the Department of Labor shall require an **attestation** from the employer that all wages and other compensation due and payable to the Temporary Worker(s) have been paid or otherwise given to the Temporary Worker(s) by the employer.

Note : Deleted the requirement for a Affidavit to be attached to the Exit Clearance.

§7107(a) -Amended:

Application for Exit Clearance. A completed Application for Exit Clearance shall be filed by every employer of a Temporary Alien Worker preparing to depart from Guam, and such Application shall be filed on a form provided by the Department of Labor.

Note: Notification of Departure requirement removed. We found it to be redundant. The Exit Clearance application will be revised accordingly with verbiage that the employer must notify us of any changes in the worker's departure date. The new form will be posted on the GDOL website and distributed to employer's via other means.

§7108. - Amended:

Living Arrangements. Any employer having certification for more than five Temporary Alien Workers in Guam shall make lodging and meals available to its employees in Guam. Provided, however, that the employer may opt to provide only lodging if the employees desire to provide their own meals. In situations where only lodging is provided, the employer must notify the Department of Labor in writing of such arrangement. The Department of Labor may require the employer to provide meals, in spite of the arrangement, if the Department feels that such arrangements have become adverse to the health and welfare of the workers. Lodging and meals, if applicable, shall be in compliance with the laws and regulations of Guam and the United States relating to sanitation, health and safety. The employer's facilities and staff used in providing such lodging and meals to the employees shall be subject to permitting requirements and unimpeded unannounced inspection by the Department of Labor, Public Health and Social Services, the Guam Environmental Protection Agency and U.S. Immigration & Customs Enforcement.

Note: Verbiage inserted to allow for workers and employers to agree on meals and making reporting requirements for such arrangements. Also included authorization for U.S. ICE to enter housing facilities. This was done so that workers housing does not become havens for illegal workers.

(b) Charges for Lodging and Meals. The employer shall be entitled to recover its costs in providing lodging and meals, if applicable, to an employee but such amount shall not exceed the actual cost incurred by the employer in providing lodging and meals (if applicable) to the employee.

(1) If the charge for lodging and/or meals exceeds Eighty Dollars (\$80.00) per week, the employer shall submit records and such other proof as is necessary to satisfy the Department of Labor that such costs were actually incurred; all such costs may be fully allocated by the employer in determining the amount to charge an employee. Once satisfied that the employer's charges are appropriate, the Director of Labor will issue a notice approving such charges and it shall be the employer's responsibility to provide a copy of the notice to the employee. The employee shall have the right to appeal the charges should they have countervailing evidence to refute the employer's computations.

(c) Deduction from worker's pay. The employer may deduct the charges for lodgings and/or meals under subsection b above, from the employee's pay only after authorization by the employee for such deductions is filed, in writing, with the Department of Labor.

Note: Clarified the lodging and meals rule.

Note: Clarifies Lodging and Meals and deductions for such. One change gives the workers the right to appeal increases over the \$80.00 per week should the workers have countervailing evidence against the employer's computations. This prevents employers from inflating housing costs to effectively lower the wages of the workers.

§7113- Amended

Penalties. Any violation of these Rules and Regulations may be subject to an administrative penalty under this Chapter. A violation of these rules and Regulations may subject the violator to a fine of not more than Five Hundred Dollars (\$500.00) for each such violation.

As provided for in 22 GCA § 7118.1 (b) and (c), an employer who is a persistent violator of these Rules and Regulations is guilty of a misdemeanor, and upon conviction shall be imprisoned for not more than six (6) months or shall pay a fine of not more than Ten Thousand Dollars (\$10,000.00), or shall suffer both imprisonment and fine. A persistent violator will be referred by the Department of Labor to the Attorney general for investigation and prosecution. A 'persistent violator' means an employer who commits, with criminal negligence as defined in 9 GCA §4.30, a second violation within any twelve (12) month period immediately preceding the second violation.

In the event of a violation of these Rules and Regulations, the offender will be served with a notice of violation, commonly referred to as a citation, which details the violation and the level of fine to be imposed. The offender shall have the right to an administrative hearing conducted by the Director of Labor. The offender may either pay the fine, or appeal in writing, within fifteen (15) calendar days from the receipt of the notice of violation, to the Director of Labor, requesting a hearing to present facts and law in defense of the offender. The offender shall have the right to representation of counsel during the hearing.

Note: Clarified verbiage on penalties and cleared up the time for filing an appeal. The classes of violations were removed pending revision of the enabling statute which has conflicting verbiage with regards to willful and persistent violations.

§7118. Added:

Limitations of Temporary Alien Workers. The employer may not utilize his Temporary Alien Workers in ways which would violate any of the terms of the job offer on the labor certification granted by the Governor. Specifically the Temporary alien worker must:

- (a) Perform work only on approved job sites listed on the project summary sheet on file with the Department of Labor.
- (b) Perform only those job duties listed on the labor certification approved by the Governor.
- (c) Perform work only for the employer listed on the labor certification approved by the Governor.

Note: Clarifies rules on what H-2B workers may do during employment. These rules were always in place but were vague and hard to understand. This section makes it clear.

§7119. Added:

Mandatory Employer Participation. Employers may be summoned to mandatory meetings held by the Department of Labor. To accomplish this, the Department must notify an employer at least seven calendar days in advance of a mandatory meeting. Such notice may be served in the form of a letter sent to the address of record or electronically to the fax or email listed on the Employer's Workplace Monthly Report. The employer may attend in person or may send a responsible management employee to represent the company. Employers who fail to attend such mandatory meetings, after being served proper notice, may be subject to civil penalties under §7113 of these regulations.

Note: This section enables ALPCD to call mandatory meetings for employers. Those meetings will allow ALPCD to address program concerns or compliance issues. Those employers who choose to ignore mandatory meetings may be subject to civil penalties.

§7120. Added:

Additional Project Requests. Employers may request that projects be added to their existing Project Summary Sheets in order to allow their existing Temporary Alien Workers to perform services on new projects.

(a) Additional Project Request: The employer must submit the following:

(1) Two copies of the project contract. If the contract is a sub-contract, the prime contract must be attached.

(2) A clear location sketch to the project site.

(3) Wage Bonding in the amount of four percent (4%) of the gross project contract amount.

(4) Two copies of a revised Project Summary Sheet which has been updated with the new project(s) and updated information on the percentage of completion of existing projects.

(b) The Department of Labor will review the projects for suitability with the employer's Temporary Alien workforce and may opt to verify the existence of such project(s).

(c) If the additional project request is approved, the Department of Labor will return a copy of the revised project summary and the project contract to the employer bearing a notification of approval.

Note: Allows for an employer to submit additional projects by amending their project summary sheets in the labor certification, provided certain documents are submitted and the scope of work of the project is appropriate for the skill sets of the employer's H-2B workers..

§7121.Added:

Repeal of Policy. This amended policy supersedes all previous issuance and additionally repeals 17 GAR Chapter 2, §2101 thru §2127 in its entirety as regulations in Chapter 2 are obsolete.

Note: This section repealed Chapter 2 of 17 GAR as obsolete. This cleans up a lot of conflicting pre-1980 rules that were still on the books.